

ANALYSIS

The Bad Voting Bill that Refuses to Die

The SAVE Act would stop millions of eligible Americans from voting.



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[Voting & Elections](#)

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Yesterday, [The New York Times](#) [\[link-2\]](#) reported that President Trump [personally ordered](#) [\[link-3\]](#) Director of National Intelligence Tulsi Gabbard to go to Fulton County, Georgia, to be there for the FBI's seizure of 2020

election ballots. Afterward, he held a pep talk with the agents. It's a chilling reminder of just how far Trump can seek to move the levers of power to meddle with the freedom to vote.

It's also a reminder that the stakes are immensely high. As the 2026 midterms fast approach, we see renewed efforts to control or undermine our elections — efforts

that loom once again on Capitol Hill.

Yes, the [SAVE Act is back](#) [\[link-4\]](#) .

As many readers of this newsletter know, last year the House narrowly passed that bill — legislation that would effectively require Americans to produce a passport or a birth certificate to register to vote.

Brennan Center research shows that at least [21 million voters](#) [\[link-5\]](#) lack ready access to those documents.

Roughly [half](#) [\[link-6\]](#) of Americans don't even have a passport.

Millions [lack access](#) [\[link-7\]](#) to a paper copy of their birth certificate. Many more voters have names that are different from those on their passports or birth certificates, including married women who have changed their last names.

Plainly, it would be the most restrictive voting bill ever passed by Congress. Even Michael Fragoso,

former counsel to Sen. Mitch McConnell (R-KY), expressed concern over how much power over elections the bill would hand to the federal government. He [writes](#) [\[link-8\]](#) , “It federalizes elections in a way that Republicans have long opposed.”

Last year, the SAVE Act stalled in the Senate following a chorus of alarm from people across the country. That should have been the end of it. Instead, it is back by political convenience, not public demand.

What's the opposite of “a good idea whose time has come”? It's a bad idea that refuses to die.

In both the House and Senate last week, GOP lawmakers introduced revamped versions of the SAVE Act. Lots of fun new ideas have been added into these bills. The Senate version includes a provision that would require citizens to produce a passport, birth certificate, or

naturalization papers not just to register, but every time they vote. This proposal makes an exception for states that have handed over voter rolls to the Department of Homeland Security, an effort to coerce states to comply with the administration's [efforts to collect sensitive voter information](#) [\[link-9\]](#). (All but a handful of states have refused.)

The House's amped-up SAVE Act 2.0, called the Make Elections Great Again Act, would prohibit universal mail voting, bar states from counting ballots received after Election Day, and require states to conduct voter purges in a way that would kick many eligible citizens off the rolls. All these extreme measures are in service of the same type of conspiracy theory that animated the White House to send the FBI to Georgia to hunt for imaginary illegal ballots. In this instance, it is the lie that noncitizens routinely vote in our

elections. Noncitizen voting is [already illegal and vanishingly rare](#) [\[link-10\]](#). Fragoso even called out his party, saying "the evidence of illegal aliens voting in large numbers just isn't there" and that the new laws would harm voters within the MAGA base, too.

Senate Minority Leader Chuck Schumer declared the revival of the SAVE Act, which in the Senate is called the SAVE America Act, "dead on arrival." But the anti-voter movement has recently accelerated its efforts. Rep. Anna Paulina Luna (R-FL) and others threatened to tie the budget deal to the SAVE Act before backing down after a meeting with Trump. Billionaire Elon Musk has been tweeting repeatedly to demand action. And Trump went on Dan Bongino's [podcast](#) [\[link-11\]](#) yesterday to declare, "The Republicans should say, 'We want to take over. We should take over the voting in at least 15 places.' The

Republicans ought to nationalize the voting.”

While passage in the Senate appears unlikely, it will be up to Democrats to hold their ground and ensure the SAVE Act’s ultimate defeat. It will be up to all of us to not be fooled by the myths and the lies — and protect our elections so they

remain free and fair. And we should stand with election officials who now face threats of groundless criminal prosecution for doing their jobs.

For voters, who must have the most powerful voice in our democracy, the stakes are high, and getting higher.

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Links

link-1: here [https://go.brennancenter.org/briefing?](https://go.brennancenter.org/briefing?cid=7013s000000a0ZIAAY&ms=EML_mainsite_general&utm_medium=WEB&utm_source=mainsite&utm_content=general)

[cid=7013s000000a0ZIAAY&ms=EML_mainsite_general&utm_medium=WEB&utm_source=mainsite&utm_content=general](https://go.brennancenter.org/briefing?cid=7013s000000a0ZIAAY&ms=EML_mainsite_general&utm_medium=WEB&utm_source=mainsite&utm_content=general)

link-2: The New York Times [https://www.nytimes.com/2026/02/02/us/politics/trump-fbi-phone-call-georgia-gabbard.html?](https://www.nytimes.com/2026/02/02/us/politics/trump-fbi-phone-call-georgia-gabbard.html?smid=nytcore-ios-share)

[smid=nytcore-ios-share](https://www.nytimes.com/2026/02/02/us/politics/trump-fbi-phone-call-georgia-gabbard.html?smid=nytcore-ios-share)

link-3: personally ordered <https://www.politico.com/f/?id=0000019c-21aa-dbc5-a7bd-39bec4830000>

link-4: SAVE Act is back [https://www.brennancenter.org/our-work/analysis-opinion/new-save-act-bills-would-still-block-millions-](https://www.brennancenter.org/our-work/analysis-opinion/new-save-act-bills-would-still-block-millions-americans-voting)

[americans-voting](https://www.brennancenter.org/our-work/analysis-opinion/new-save-act-bills-would-still-block-millions-americans-voting)

link-5: 21 million voters <https://www.brennancenter.org/our-work/analysis-opinion/save-act-would-undermine-voter-registration-all-americans>

link-6: half <https://www.usatoday.com/story/travel/news/2024/10/23/state-department-issues-record-us-passports/75794556007/>

link-7: lack access <https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>

link-8: writes <https://www.nationalreview.com/bench-memos/saving-the-senate-from-the-save-act/>

link-9: efforts to collect sensitive voter information <https://www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information>

link-10: already illegal and vanishingly rare <https://www.brennancenter.org/our-work/analysis-opinion/noncitizen-voting-already-illegal-and-vanishingly-rare>

link-11: podcast <https://www.politico.com/news/2026/02/02/trump-nationalize-elections-2026-midterms-00760015>